

FILING BY "EXPRESS MAIL" UNDER 37 CFR 1.10

EV 860847594US

Express Mail Label Number

July 10, 2006

Date of Deposit

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
IN RE PCT NATIONAL STAGE  
APPLICATION OF  
AUBERSON ET AL.  
INTERNATIONAL APPLICATION NO:  
FILED:  
U.S. APPLICATION NO: 10/565,456  
35 USC §371 DATE: 20 JANUARY 2006  
FOR: NOVEL DIBENZO[B,F]OXEPINE-10-CARBOXAMIDES AND  
PHARMACEUTICAL USES THEREOF

**MS: PCT**  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

RESPONSE TO NOTICE TO FILE MISSING PARTS

Sir:

The Notice to File Missing Parts of Application mailed May 8, 2006 (a copy of which is enclosed) has a shortened statutory time set to expire on July 8, 2006.

In response, applicants now submit an original or copy of a fully executed Declaration and Power of Attorney. Please charge the \$130 surcharge fee under 37 CFR §1.16(e) to Deposit Account No. 19-0134 in the name of Novartis.

The "Notification of Missing Requirements Under 35 U.S.C. 371" requests that the nucleotide and/or amino sequence disclosure comply with the requirements for such a disclosure as set forth in 37 CFR 1.821-1.825. However, the present claims do not contain a nucleotide or amino acid sequence. Therefore it is respectfully requested that this requirement be withdrawn from the Notification of Missing Requirements Under 35 U.S.C. 371."

The Commissioner is hereby authorized to charge any additional fees under 37 CFR §1.17 which may be required, or credit any overpayment, to Account No. 19-0134 in the name of Novartis.

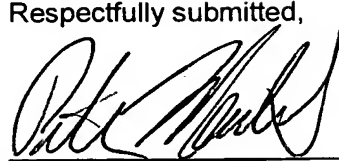
07/13/2006 GFREY1 00000128 190134 10565456

01 FC:1617 130.00 DA

A duplicate copy of this letter is provided for charging purposes.

Novartis  
Corporate Intellectual Property  
One Health Plaza, Building 104  
East Hanover, NJ 07936-1080  
(862) 778-7951  
Date: July 10, 2006

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Peter J. Waibel", written over a horizontal line.

Peter J. Waibel  
Attorney for Applicants  
Reg. No. 43,228



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/565,456	Yves Auberson	PN/4-33256A

001095  
NOVARTIS  
CORPORATE INTELLECTUAL PROPERTY  
ONE HEALTH PLAZA 104/3  
EAST HANOVER, NJ 07936-1080



INTERNATIONAL APPLICATION NO.	
PCT/EP04/08283	
I.A. FILING DATE	PRIORITY DATE
07/23/2004	07/25/2003

CONFIRMATION NO. 9883  
371 FORMALITIES LETTER



\*OC000000018699433\*

Date Mailed: 05/08/2006

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 01/20/2006
- Copy of the International Search Report filed on 01/20/2006
- Preliminary Amendments filed on 01/20/2006
- Information Disclosure Statements filed on 01/20/2006
- Oath or Declaration filed on 01/20/2006
- U.S. Basic National Fees filed on 01/20/2006
- Priority Documents filed on 01/20/2006
- Power of Attorney filed on 01/20/2006
- Specification filed on 01/20/2006
- Claims filed on 01/20/2006
- Abstracts filed on 01/20/2006

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
  - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

**SUMMARY OF FEES DUE:**

Total additional fees required for this application is \$130 for a Large Entity:

- **\$130 Surcharge.**
- This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 CFR 1.821(c) Applicant must provide an initial paper or compact disc copy of the "Sequence Listing", **as well as an amendment specifically directing its entry into the application** and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000).
- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

**For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:**

- **For Rules Interpretation, call (571) 272-0951**
- **For Patentin Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.**
- **Send e-mail correspondence for Patentin Software Program Help @ [ebc@uspto.gov](mailto:ebc@uspto.gov)**

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

BARBARA A CAMPBELL

Telephone: (703) 308-9140 EXT 217

**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
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10/565,456

PCT/EP04/08283

PN/4-33256A

FORM PCT/DO/EO/905 (371 Formalities Notice)